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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,956	10/26/2001	Mark N. Robins	10015542-1	5981

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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,956

Applicant(s)

ROBINS ET AL.

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8,11-16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/24/05 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose "a pair of partially curved tracks formed as part of an exterior surface of said image capturing device, with said exterior surface including a curved portion and wherein said cover moves along said exterior surface" as claims in claim 1. The Examiner respectfully disagrees.

Examiner's Reply:

Re claim 1) The Okuda reference discloses an image capturing device with a guide device that retains the display cover against the surface of the image capturing device (see figure 2: there is an upper and lower track on the rear outer surface of camera (1) which the display cover (4) slides across as indicated by the arrow). The guide device of the Okuda reference comprises a pair of partially curved tracks formed as part of the rear exterior surface of the camera wherein the tracks curve around the curved right end of the camera (see figure 2). The Okuda reference does not disclose the cover comprises segments.

Yamagata reference teaches using a display cover comprising a segments cover including a plurality of vertical segments (see figure 2, elements 3a), with said plurality of vertical segments being flexibly joined to each other (see column 4, lines 35-50 and column 4, lines 65 to column 5 line 4: The cover is flexibility joined together so that it can wrap around the roller); wherein the guide device (see figure 1, element 5a) comprises a pair of partially curved tracks (see figure 1a: The tracks are formed on both sides of the window (5A) guide the cover (3) and the curved part of the track in the device to guide cover onto the roller) formed as part of an

Art Unit: 2615

exterior surface of said portable electronic device (See figure 1A: the straight part of the tracks are formed as part of an exterior surface of the device) and the cover moves along the exterior surface onto the roller in the device (see figure 1a and 1b). It is noted that claim does not specify that all of the track is formed on the exterior or that the cover moves along the curved portion of the exterior surface; therefore, it is only necessary to show part of the track formed on the exterior surface and the cover moving on part of the exterior surface.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Okuda in view of Yamagata to have the cover comprises a segmented cover including a plurality of vertical segments with said plurality of vertical segments being flexibly joined to each other wherein the cover conforms to move along a curved portion of the tracks to retract into a storage compartment in the camera, in order to save the surface space needed along the exterior of the camera to slide the cover completely off the display and thus making the camera more compact.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-5, 8, 11-16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052.**

Referring to claim 1, Okuda, US 2004/0165108, discloses an image capturing device (camera 1) comprising a:

display screen (10) integrally formed on the surface of said image capturing device (see figures 2 and 4);

a cover (4) capable of being positioned over said display screen (10) and capable of being retracted away from said display screen (see figures 2 and 4); and

a guide device that retains said cover against said surface of said image capturing device (see figures 2 and 4). The guide device of the Okuda reference comprises a pair of partially curved tracks formed as part of the rear exterior surface of the camera wherein the tracks curve around the curved right end of the exterior portion of the camera and the cover moves along the exterior surface in the direction of the arrow (see figures 2 and 4). The Okuda reference does not disclose the cover comprises a segmented cover including a plurality of vertical segments, with said plurality of vertical segments being flexibly joined to each other.

Yamagata, US 6,003,052, teaches using a display cover comprising a segments cover including a plurality of vertical segments (see figure 2, elements 3a), with said plurality of vertical segments being flexibly joined to each other (see column 4, lines 35-50 and column 4, lines 65 to column 5 line 4: The cover is flexibility joined together so that is can wrap around the roller); wherein the guide device (see figure 1, element 5a) comprises a pair of partially curved tracks (see figure 1a: The tracks are formed on both

Art Unit: 2615

sides of the window (5A) guide the cover (3) and the curved part of the track in the device to guide cover onto the roller) formed as part of an exterior surface of said portable electronic device (See figure 1A: the straight part of the tracks are formed as part of an exterior surface of the device) and the cover moves along the exterior surface onto the roller in the device (see figure 1a and 1b).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, to have the cover comprises a segmented cover including a plurality of vertical segments with said plurality of vertical segments being flexibly joined to each other wherein the cover conforms to move along a curved portion of the tracks to retract into a storage compartment in the camera, in order to save the surface space needed along the exterior of the camera to slide the cover completely off the display and thus making the camera more compact.

The applicant canceled claim 2.

Referring to claim 3, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda discloses further comprising a protrusion formed on the display cover (4) (see figures 2 and 4).

Referring to claim 4, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda shows a protrusion or recess for gripping while retracting the cover (4) (see figures 2 and 4).

Referring to claim 5, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda shows the display cover (4) on the camera's surface remaining outside while retracted (see figure 4).

The applicant cancelled claims 6 and 7.

Referring to claim 8, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda shows the manual retraction of the cover (4) from the display (10) (see figure 6, and the drawing of the hand).

The applicant cancelled claims 9 and 10.

Regarding claim 11, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda does not teach a cover comprising two or more pieces.

Yamagata teaches a portable information instrument (1) having a cover comprising two or more pieces (figures IA, IB, column 4 and lines 32-50).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera of Okuda such that it has a cover (3) comprising two or more pieces as disclosed by Yamagata. One would have been motivated to make such a modification in view of the suggestion in Yamagata that a cover, comprised of two or more pieces, allows a portion of the display screen that is not used for displaying information to be protected by the cover sheet (column 3, lines 9-13).

Regarding claim 12, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda does not teach a cover comprising two

or more pieces where they are mechanically linked so that the retraction of one piece retracts all other pieces.

Yamagata teaches a portable information instrument (1) having a cover comprising two or more pieces where they are mechanically linked so that the retraction of one piece retracts all other pieces (see figures IA and IB and also columns, 9 lines 43-67 and column 4, lines 32-50).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera of Okuda such that it has a cover comprising two or more pieces where they are mechanically linked so that the retraction of one piece retracts all other pieces as disclosed by Yamagata. One would have been motivated to make such a modification in view of the suggestion in Yamagata that a cover comprising two or more pieces where they are mechanically linked allows an accommodating means for retracting the cover from a position covering the display screen into an inside of the housing (column 2, lines 36-47).

Referring to claim 13, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the device of claim 1. Okuda teaches an electrical switch activated by the movement of the display cover (4) (see paragraph 10015)).

Regarding claim 14, Okuda, US 2004/0165108, discloses a cover adapted for use with a display screen of an image capturing device, comprising:

a cover (see figure 2 element 10) capable of being manually positioned over said display screen (see figure 2) and capable of being manually retracted away from said display screen (see figure 4);

a guide device that retains said cover against a back surface of said image capturing device (see figures 2 and 4: there is an upper and lower track on the rear outer surface of camera (1) which the display cover (4) slides across as indicated by the arrow); and

a protrusion formed on said segmented cover (see figures 2 and 4);

wherein the guide device comprises a pair of partially curved tracks formed as part of the rear exterior surface of the camera wherein the tracks curve around the curved right end of the exterior portion of the camera and the cover moves along the exterior surface in the direction of the arrow (see figures 2 and 4). Okuda does not teach a segmented cover (3) with a guide device retaining the segmented cover.

Yamagata teaches a portable information instrument (1) having a segmented cover with a guide device retaining the cover (figures IA and IB and also see column 4, lines 32-50).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, to have a segmented cover with a guide device retaining the cover, in order that the user can easily slide the cover along the curved contour of the camera on the guides.

Regarding claim 15, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the cover of claim 14. Yamagata discloses the display cover

comprises a segmented cover including a plurality of vertical segments (flexibly joined) (see figures IA and IB and also see column 4, lines 32-50).

Regarding claim 16, Okuda, US 2004/0165108, in view of Yamagata, US 6,003,052, discloses the cover of claim 14. Okuda teaches the cover that remains outside the device while retracted from the display (figure 4) and Yamagata teaches having a segmented cover (see figures IA and IB and also see column 4, lines 32-50).

The applicant canceled claims 17-20.

Allowable Subject Matter

4. Claim 21 is allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: In regard to claim 21, the prior art does not disclose a method for opening and closing a camera display cover with the combination of limitations claimed, specifically the limitation of:

“causing said first cover portion to move in a first direction by moving said second cover portion in a second direction, opposite said first direction and thereby moving said cover from said first closed condition to said second retracted condition”.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eilden, US 2003/0165047, discloses an electronic device with a sliding cover.

Art Unit: 2615

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



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